

Amendment and Response Under 37 C.F.R. 1.116

Applicant: N. Lee Rhodes

Serial No.: 09/919,149

Filed: July 31, 2001

Docket No.: 10013112-1 / H300.177.101

Title: NETWORK USAGE ANALYSIS SYSTEM HAVING DYNAMIC STATISTICAL DATA
DISTRIBUTION SYSTEM AND METHOD

NOV 14 2006

REMARKS

The following remarks are made in response to the dismissal of the appeal and in response to the Examiner's request via phone call on November 14, 2006 to submit amended claims placing the application in condition for allowance. Claims 1, 2, 4-9, and 16-21 were rejected in the Final Office Action mailed September 8, 2005. Claims 3, 10-15, and 22 were objected to. With this Response, the rejected claims 1, 2, 4-9, and 16-21 have been cancelled and claims 3, 10, 13, 14, and 22 have been amended. Claims 3, 10-15, and 22 remain pending in the application and are presented for allowance.

Allowable Subject Matter

The Examiner objected to claims 3, 10-15, and 22 for being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all limitations of the base claim and any intervening claims. Applicant has rewritten claims 3, 10, 13, 14, and 22 into independent form. Dependent claims 11, 12, and 15 further define patentably distinct claims 10 or 14. Allowance of claims 3, 10-15, and 22 is respectfully requested.

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DISTRIBUTION SYSTEM AND METHOD**CONCLUSION**

In view of the above, Applicant respectfully submits that pending claims 3, 10-15, and 22 are in form for allowance and are not taught or suggested by the cited references.

Therefore, allowance of claims 3, 10-15, and 22 is respectfully requested.

The Examiner is invited to contact the Applicant's representative at the below-listed telephone numbers to facilitate prosecution of this application.

Any inquiry regarding this Amendment and Response should be directed to either Tuan Ngo at Telephone No. (408) 447-8133, Facsimile No. (408) 447-0854, or Steven E. Dicke at Telephone No. (612) 573-2002, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

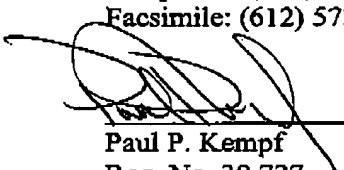
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Respectfully submitted,

N. Lee Rhodes,

By his attorneys,

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Date: 11/14/06
PPK:kmh
Paul P. Kempf
Reg. No. 39,727**CERTIFICATE UNDER 37 C.F.R. 1.8:**

The undersigned hereby certifies that this paper or papers, as described herein, are being transmitted via facsimile to Facsimile No. (571) 273-8300 on this 14th day of November, 2006.

By: 

Name: Paul P. Kempf